

complaint under paragraph (2), terminate the investigation, or continue or expand the investigation. The Secretary shall provide additional status reports at the request of the subject of the investigation and shall promptly notify the subject of the investigation whenever the Secretary terminates the investigation."

(c) INCREASE IN THRESHOLD FOR SHORTENED PROCEDURE CASES.—Subsection (d) of such section is amended by striking "\$15,000" both places it appears and inserting "\$30,000".

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and "SEC. 6." and inserting the following:

**"SEC. 6. COMPLAINTS, WRITTEN NOTIFICATIONS, AND INVESTIGATIONS.:"**

(2) in subsection (d), by inserting "DECISIONS ON COMPLAINTS.—" after "(d)"; and

(3) in subsection (e), by inserting "BOND REQUIRED FOR CERTAIN COMPLAINTS.—" after "(e)".

**SEC. 8. FILING AND HANDLING FEES FOR REPARATION COMPLAINTS.**

(a) PERMANENT FILING AND HANDLING FEES.—Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), is amended—

(1) by striking "(a)" and inserting the following:

**"(a) REPARATION COMPLAINTS.—"**

**"(1) PETITION; PROCESS.—"; and**

(2) by adding at the end the following new paragraph:

**"(2) FILING AND HANDLING FEES.—**A person submitting a petition to the Secretary under paragraph (1) shall include a filing fee of \$60 per petition. If the Secretary determines under paragraph (1) that the facts contained in the petition warrant further action, the person or persons submitting the petition shall submit to the Secretary a handling fee of \$300. The Secretary may not forward a copy of the complaint to the commission merchant, dealer, or broker involved until after the Secretary receives the required handling fee. The Secretary shall deposit fees submitted under this paragraph into the Perishable Agricultural Commodities Act Fund provided for by section 3(b). The Secretary may alter the fees specified in this paragraph by rulemaking under section 553 of title 5, United States Code."

(b) INCLUSION OF HANDLING FEE IN CALCULATION OF DAMAGES.—Section 5(a) of such Act (7 U.S.C. 499e(a)) is amended by inserting after "damages" the following: "(including any handling fee paid by the injured person or persons under section 6(a)(2))".

(c) CONFORMING AMENDMENT TO TEMPORARY FEE AUTHORITY.—Public Law 103-276 (7 U.S.C. 499f note) is repealed.

**SEC. 9. CONSIDERATION OF COLLATERAL FEES AND EXPENSES.**

(a) DEFINITION.—Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by inserting after paragraph (12), as added by section 2, the following new paragraph:

**"(13) The term 'collateral fees and expenses' means any promotional allowances, rebates, service or materials fees paid or provided, directly or indirectly, in connection with the distribution or marketing of any perishable agricultural commodity."**

(b) USE OF DEFINITION.—Section 2 of such Act (7 U.S.C. 499b) is amended—

(1) by striking "commerce—" in the matter before paragraph (1) and inserting "commerce:";

(2) by striking the semicolon at the end of each paragraph and inserting a period; and

(3) in paragraph (4), by adding at the end the following new sentence: "However, this paragraph shall not be considered to make the good faith offer, solicitation, payment, or receipt of collateral fees and expenses, in and of itself, unlawful under this Act."

#### **SEC. 10. CLARIFICATION OF MISBRANDING PROHIBITION.**

Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(5)), is amended—

(1) by striking "commerce: Provided, That" and inserting "commerce. However.:"; and

(2) by adding at the end the following new sentence: "A person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if the person did not have knowledge of the violation or lacked the ability to correct the violation."

#### **SEC. 11. IMPOSITION OF CIVIL PENALTY IN LIEU OF LICENSE SUSPENSION OR REVOCATION.**

Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h), is amended by adding at the end the following new subsection:

**"(e) ALTERNATIVE CIVIL PENALTIES.—**In lieu of suspending or revoking a license under this section when the Secretary determines, as provided by section 6, that a commission merchant, dealer, or broker has violated section 2 or subsection (b) of this section, the Secretary may assess a civil penalty not to exceed \$2,000 for each violative transaction or each day the violation continues. In assessing the amount of a penalty under this subsection, the Secretary shall give due consideration to the size of the business, the number of employees, and the seriousness, nature, and amount of the violation. Amounts collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts."

#### **SEC. 12. EXTENSION OF SANCTIONS TO PERSONS RESPONSIBLY CONNECTED TO A COMMISSION MERCHANT, DEALER, OR BROKER.**

(a) EXCEPTION TO DEFINITION.—Section 1(b)(9) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)(9)), is amended by adding at the end the following new sentence: "A person shall not be deemed to be responsibly connected if the person demonstrates by a preponderance of the evidence that the person was not actively involved in the activities resulting in a violation of this Act and that the person either was only nominally a partner, officer, director, or shareholder of a violating licensee or entity subject to license or was not an owner of a violating licensee or entity subject to license which was the alter ego of its owners."

(b) EXTENSION OF EMPLOYMENT SANCTION.—Section 8(b) of such Act (7 U.S.C. 499h(b)) is amended by adding at the end the following new sentence: "The Secretary may extend the period of employment sanction as to a responsibly connected person for an additional one-year period upon the determination that the person has been unlawfully employed as provided in this subsection."

(c) CONFORMING AMENDMENT REGARDING LICENSING SANCTION.—Section 4 of such Act (7 U.S.C. 499d) is amended—

(1) in subsection (b), by inserting "is prohibited from employment with a licensee under section 8(b) or" after "with the applicant," in the matter preceding subparagraph (A); and

(2) in subsection (c), by adding at the end the following new sentence: "The Secretary may not issue a license to an applicant under this subsection if the applicant or any person responsibly connected with the applicant is prohibited from employment with a licensee under section 8(b)."

Amend the title so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act."

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act."

#### **GENERAL LEAVE**

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1103, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### **CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-104)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1995, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interest in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.